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ABSTRACT

This forum suggests the initiation of a federally funded National System of Child Advocacy including a presidentially-appointed council to recommend legislation, provide for and report on the welfare and progress of children. The national council, composed of parents as well as professionals, would support neighborhood child advocate councils by providing funding and acting as national spokesmen. The advocate himself would be an empathetic administrator with access to social, economic, and legal resources. He would work to secure the individual child's basic needs through his staff of professionals and lay volunteers. An advocate might specifically concentrate on strengthening parental concern, securing basic child rights in the school, improving relationships with law enforcers, courts, and working with other child care agencies. The National Council would establish an information center for classifying materials on child care problems. A pilot program to establish guidelines would be a first step towards an advocacy program. (AJ)

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THE CHILD ADVOCATE

Report of Forum 24

1970 White House Conference on Children

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SUMMARY

Good parents are the child's natural advocates. But sometimes, for a multitude of reasons, including mental or physical illness, economic limitations, and social and cultural isolation, parents may fail to meet a child's needs.

Child-serving agencies often fail too. A basic factor is shortages of competent professional staff; in addition, agencies often focus on a narrow part of children's needs, excluding many whose needs are the most severe. These and many other factors combine to undermine existing programs of support or protection for children.

The result of neglect upon a large segment of children is clear. School dropouts, delinquency, mental illness, drug abuse, and violence are but the most obvious.

Clearly, a child advocacy program is urgently needed. Serving on the neighborhood level, the advocate would act as a spokesman for the individual child in helping to secure his basic rights or needs including those related to his home, school, peer group, and the community institutions which in some way affect his life. The advocate is conceived as an empathetic child-oriented administrator who will apply practical and energetic zeal to bringing the appropriate resources -- social, economic, legal -- to bear upon the problems and needs of children. While primarily an advocate, he would not be without power to achieve his ends where persuasion might fail.

Forum 24 recommends that a National System of Child Advocacy be implemented under the auspices of a designated, concerned

federal agency. A federal Council on Child Advocacy, appointed by the president and funded by Congress would recommend legislation, identify needs and goals, and report periodically on the status and progress of children.

The federal level would, however, serve primarily to support neighborhood Child Advocate Councils and their programs through funding, an Information Center, specialists in various skills, and general supervision.

If properly conceived, explained, and implemented, such a child advocacy program will reach, influence, and protect children as no existing institution can. Children's rights will be safeguarded and they will enjoy their true heritage as a free people.

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CHILDREN'S RIGHTS

The Declaration of Independence states:

> "We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness."

This forum asserts its complete accord with this proposition and its belief that such rights inure to all persons, including children. In addition, children have other basic rights, more properly called legally definable needs, which include parental care, a secure home, proper nutrition, moral guidance, reasonable limits on conduct, and an education and training commensurate with natural talents and ability. In the process of securing these rights, it is equally important to help children recognize and assume responsibilities commensurate with their age and maturity.

WHY CHILDREN'S NEEDS ARE NOT MET

Ideally, good parents are the child's natural advocates. They provide his basic needs and seek redress on his behalf when his rights are curtailed or encroached upon, or when institutions fail to aid him.

Unfortunately, a rather large segment of the child population lacks proper parental care and concern. Some children have no parents; many live in a one-parent world created by death,

desertion, or marital strife. Other parents, because of mental or physical illness, economic limitations, social and cultural isolation, and other factors, meet only part of the child's needs, or fail him entirely.

Even well intentioned parents are sometimes less than adequate because they cannot break out of their environmental limits or pierce the restrictive shell created by many child care agencies. Their own needs and concern for self, consciously or unconsciously, may also interfere with their best performance toward their children.

Nor is it only the parents who fail the child. Both public and private agencies whose charge is to furnish health, education, and welfare services to children, often stray from their purpose or fall far short of their goals.

The notorious inadequacy of services to children is due to more than a shortage of professional staff. Child-serving agencies in the private domain perform at less than optimal effectiveness because of several biases which have emerged in their development. First, agencies emphasize program descriptions more than implementation and evaluation. The search for status, prestige, and empire-building by following the latest fad or catchword in professional circles leads to many "paper programs." Secondly, agencies tend to be dominated by one particular profession or guild whose concerns are less child-oriented than territorially-dominated. Too many programs are written to expand a guild's territory rather than to give relevant and needed services. Thirdly, agencies use their expertise in diagnosis and classification of children as a means of excluding children

from services. Rigid definitions of who can be treated often exclude children who need the service the most or send them on endless rounds of diagnosis in lieu of giving help.

Agencies in the public domain suffer from their own brand of "governmental ills." Bureaucratic and inflexible sets of eligibility requirements both alienate many clients and exclude them on the basis of arbitrary funding or logistical concerns. The needs of those unrecognized by specific legislation, those who fall between the cracks, must wait until a suitable category is created.

Common to almost all agencies is a lack of accountability to those they serve. The philosophy of the "white man's burden" or a sort of professional "noblesse oblige" still permeates the system. The client is usually the last consulted concerning his own future.

THE CASE FOR A CHILD ADVOCATE

It is indisputable that a large segment of children exists whose basic needs are only partially met or totally ignored. The effect of such neglect is obvious. Unemployment among school dropouts is nearly four times that of others in the employment market. The spiraling increase in delinquency and youth crime is largely attributable to lack of proper parental control and the alienation of children and youth by the community agencies. Children from poor and lower income families, especially minority groups in ghetto areas and children of migratory workers, seldom achieve full potential because of cultural and environmental

handicaps. Permissiveness and affluence have produced a significant force of dissident youth whose conduct ranges from harmless idleness to gross drug abuse and violent disruption.

While many factors contribute to the plight of such children and youth, certainly one significant cause is the absence of a person or agency responsible for securing the basic rights guaranteed them under our Constitution.

Some limited child advocacy now exists. Included are representation by lawyers in juvenile and family court proceedings and in some other legal, or quasi-legal areas; the services of a school social worker or counselor; the protective services of a child welfare worker to an abused or neglected child. Some organizations also represent child interests in broad terms by fostering improved child care programs, increased health service, better schools, and needed protective legislation. And some institute legal class actions to improve the lot of a whole segment of children.

While these services for children are both useful and necessary, they do not meet the day-to-day wants of the individual child in his own environment, nor are they designed to do so. Services meet fragmented needs of the child but rarely his total needs; and such split responsibilities also lead to limited coordination of efforts and poor follow-up.

Every child, because of his immaturity and legal disabilities, requires a skilled, experienced, and dedicated advocate whenever his liberty or health are jeopardized, whenever he is deprived of a home, schooling, medical care, property, rights, entitlements or benefits, or is subjected to involuntary treatment.

Such situations occur not only in the context of a juvenile court petition for delinquency, dependency, or neglect. A child often needs protection from, or assertion of rights against, his family, agencies of government, or private individuals, institutions, and organizations.

This forum believes an independent representative for children, a Child Advocate, is urgently needed, and should be created in each community.

THE CHILD ADVOCATE'S ROLE

The Child Advocate, as we conceive him, differs from any existing person or service; he is exclusively committed to the interest and welfare of children. He is an advocate for individual children who seek his help, or who come to his attention; and an advocate for procuring non-existent child care services, and for improving those which already exist.

It should be stressed that the advocate does not duplicate or supplant existing services. For example, he is not a lawyer to displace the public defender, court-appointed counsel, or the parent-selected attorney in juvenile court matters. Yet he may perform or purchase such service where it is non-existent or ineffective, or where his client, the child, is dissatisfied and requests other representation.

He does not invade the province of the legal aid or legal services attorney in legal representation of a child or family in public or private litigation. He may, however, provide or arrange for such service where it does not exist.

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He does not institute class litigation on behalf of children and families if OEO or other legal services are available for this purpose, except where such service is unresponsive to his client's needs.

He does not assume the role of the teacher, school counselor, principal, or other school official in prescribing school programs or curricula. When the child fails to learn, because the school program is meaningless to him, or where he is suspended or expelled, the Advocate may negotiate with the school of behalf of his client, the child. He does not encroach upon the domain of the medical or mental health specialist or marriage or child guidance counseling service in child health problems, but he sees that these services are available to his client, the child.

He does not interfere in legitimate parent-child relations, but he may seek help for the child, even to removal of the child from parental care, where persistent abuse or neglect occurs.

He does not try to replace or duplicate the efforts of public or private child care agencies. He will, however, negotiate with the agency on behalf of an individual child who cannot obtain needed help. He may advocate changes in the nature or extent of care, or modification of rules or procedures which deny a child needed services.

He does not impede the lawful functions of the police in their dealings with child and family problems, but he will intercede with the police on behalf of individual children; to prevent unnecessary detention, to avoid court referral where possible,

to foster better police-child-family relations, and to preserve human dignity and promote respect for law.

In summary, the Child Advocate is a spokesman for individual children, one who secures for the child all his basic rights or needs, including those related to his home, school, peer group, associates, and community institutions which in some way affect his life. Secondarily, because of his commitment to the individual child, the Advocate is also concerned about improving the quality of service to children.

THE ADVOCATE AND HIS STAFF

We conceive the Child Advocate as a full-time, salaried individual responsible for children in a designated geographic area. Despite the broad duties described, the Advocate is not, nor need he be, a "superman," one who is all things to all people. Rather, he is foremost an empathetic child-oriented administrator whose professional qualifications are less important than practical and energetic zeal for the well-being of the children for whom he is responsible. Just as a good parent is not himself professionally and technically qualified to meet all his children's needs, but does know how to secure help, so the Advocate would perform such functions as were within his skills and time available. Other needed services would be furnished by a staff of specialists, professional and para-professional, both volunteer and paid, and by the purchase of special services.

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The Child Advocate's Power

The Child Advocate is not an authoritarian figure. Rather, he uses his knowledge and skills in bringing together the child in need and the needed service.

Despite his principal role of advocacy, the Child Advocate is not without the power to achieve his ends where persuasion may fail.

First, the Child Advocate is supported by a representative council, the members presumably committed to the betterment of the child's lot. When informed that a given community agency's policies make it less helpful and responsive than it should be, the council should be able to marshall public opinion to bring about change.

Second, through funds available to the Child Advocate for purchase of services, he may demonstrate the need for, and benefits to, the community by providing a given form of presently non-existent assistance. In this fashion he may create a demand for a locally established and funded form of such service.

Third, by appeal to such legal aid as may exist in the community (OEO Legal Services, legal aid societies, ACLU, Family Law Committee of the bar association, etc.) class litigation, actions for declaratory judgments and similar suits may be instituted to reform existing public agency practices.

Finally, through the local Child Advocate's affiliation with his national office, he may report any local deficiencies or abuses of federally funded child care programs so that these may be corrected.

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SPECIFIC AREAS OF ADVOCACY

The Family

Often, parents who cannot fully provide for their children do not know where or how to secure needed services. Where parents are properly motivated, the Child Advocate is seen as one to whom the parents turn for help. For example, a child with serious learning or behavior problems may be mentally or physically handicapped. When parents cannot secure a satisfactory diagnosis or proper treatment, the Advocate would help them obtain an evaluation of the child's needs and see that these were met.

When the family endangers the child, as by willful neglect or abuse; where for whatever reason the family fails to provide proper care (unemployment, illness, desertion, separation, etc.); and where existing community agencies do not intervene effectively, the Advocate should represent the child, regardless of parental attitude. In normal parent-child conflicts, the Advocate does not interfere with acceptable parental prerogatives or discipline, nor does he undermine the child's responsibilities towards his family.

Since the day-to-day advocacy for a child should come from the parents, one of the Advocate's foremost duties is to strengthen and preserve this basic unit of society. He is properly concerned with many institutions and multiple community problems such as housing, environment (eradication of slum and ghetto conditions),

family law (divorce, custody, children's laws on neglect, delinquency, employment, etc.), child protective services, free and moderate cost medical and dental care; mental health and counseling programs for parents (marriage counseling, child guidance clinics, etc.); religious organizations and extension of their services to children; better use of existing private institutions (boy and girl scouts, and private, charitable, and child-family agencies).

The School

The school is second only to the parents in influencing a child's character and personality, in preparing him to live in and with his environment, and in determining what kind of an adolescent and adult he will become.

Parents and the community increasingly look to the school as a major child-rearing and socializing agent. Regardless of education's self-concept, this socializing role is thrust upon primary and elementary schools and the demand will probably increase rather than diminish.

We need to redefine the proper goal of education; to improve the individual as an individual, stressing the peculiar and unique attributes each has to develop; to provide the child with a framework of values and self discipline within which he can make meaningful and civilized choices.

The school system fails a large segment of children because it ignores the child's home and out-of-school environment. There

must be relevance between what is taught, how the child lives, and his projected way of life. The system's failure to accept and respond to this demand has resulted in widespread school-child-parent conflict.

Because of the school's vital and continued influence on the child, a significant part of the Child Advocate's efforts will be devoted to child-school relations.

Foremost is the need for advocacy for the individual student who is expelled, suspended, or otherwise excluded from school. Such disruption of the child's schooling may arise from truancy, child-teacher conflict, violation of school rules, or poor peer adjustment. Generally these are not basic causes, but rather symptomatic of other problems.

Here the Child Advocate's role is to learn the true reason for the child's difficulty and negotiate for corrective measures to not only secure his readmission, but to ensure as well against likelihood of recurrent exclusion.

Specifically, one child may be failing in school because of an unrecognized physical or mental handicap. Another may lag behind because he lacks basic skills in reading and expression. A third child may be the victim of a destructive home environment; a fourth may find no interest or relevance in the school curriculum and a fifth may be alienated by a boring or insensitive teacher. All may manifest their anger or frustration by improper disruptive conduct.

Obviously, mere reinstatement of such a child in no way ensures a future positive relationship between child and school. Unless the root cause is recognized and solved, the incident will probably recur. Since the school seldom has the time or mechanism to seek out such causes, the Child Advocate would attempt to learn and alleviate the source of trouble, for example, remedial medical care for the handicapped, special tutoring for the academically deficient; or modification in home environment, a change of school, curriculum, or teacher.

Other, more superficial child-school conflicts arise out of dress codes and unpopular regulations and restrictions. Here the Advocate's role would be to seek not only the reinstatement of a suspended or expelled child, but also modification of unduly restrictive rules which would produce future child-school problems.

Many school suspensions and expulsions are obviously justified. Where the child is patently wrong, the Child Advocate's first efforts are directed to modifying the child's behavior, then negotiating for his reinstatement.

In addition to advocacy and intervention on behalf of individual children, the Child Advocate should be concerned with the quality and effectiveness of the schools in his territory. Since the Advocate would seldom be exclusively an educator, he would depend on specialized consultants for such evaluation. The Advocate's areas of concern might include:

- The forms and quality of basic school programs offered in the primary grades

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- Social services extended to families
- A program of teacher accountability to students and parents
- Relevance of the curricula to the child's present and predictable future environment
- School's need for better channels of referring children's medical, social, and other problems not within the school's competence.
- Constructive involvement of parents and children in forming school rules and policies and promoting joint, individual parent-teacher efforts to aid problem children.

The Police

Attitudes toward law, law enforcement, and authority are formed early and once solidified, usually prevail unchanged in adult life. The child's perception of the police, an early symbol of authority, is most important. Therefore, the Advocate has a special mission in fostering improved child-parent-police relationships.

The police, especially in urban areas, have a far broader role than merely keeping the peace and apprehending law violators. They are often the community's unseen and unsung first line of defense in meeting a wide variety of social, physical, and emotional problems of parents and children.

It is the police who most often are the first to reach the child or parent in crisis. It is they who locate the lost or runaway child, who intervene on behalf of the abused and neglected child. They

are called to arbitrate disruptive marital disputes and family quarrels, to deal with suicide and homicide threats and the various forms of physical violence which erupt within a family, or to deal with the alcoholic or mentally ill parent.

The Child Advocate must have a special concern in understanding and working with the police.

Specifically, the Child Advocate will be one:

- To whom the police may refer a child or child-parent problem which cannot be handled through existing channels
- Who will, on referral by the police and on behalf of the children in a family, aid the parents in obtaining special services to relieve a known disruptive problem, for example, legal services for oppressive debt, medical help for alcoholism, marriage counseling, vocational training for an underemployed family head
- Who will be on call for any child taken into police custody, to negotiate for his release and for adjustment of any charge without court referral
- Who will obtain shelter care and protective services for any abused or neglected child when the usual child care services fail or are non-existent.

The Advocate also encourages, by working directly with police and by public education, employment of juvenile officers with the appropriate temperament, attitude, and training. Equally important are the efforts of the Advocate to change the law and

police procedures to eliminate obsolete concepts held by both police and the public regarding what constitutes effective police work.

The Child Advocate may accomplish this goal by thorough familiarity with the police program in his territory, and by frequent consultations with the administrative and technical police heads as to their needs. Knowledge gained should be given the Advocacy Board with the recommendation that the board support the police in seeking the additional staff, training, and resources needed. Conflicts between the police and youth of many communities could be minimized by specially trained officers, and more sensitive handling of child and family problems.

The Court

Almost universal change in the concept of juvenile justice is moving juvenile and family courts toward a program of court appointed counsel for children who come within the court's orbit. This is more prevalent in charges of deliquency where institutional commitment may result, than in the less serious matters of truancy, runaways, and rejection of parental authority. In areas of neglect and abuse, in custody disputes and non-support, legal representation for children is still limited, in many jurisdictions non-existent.

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In the juvenile justice system, the Advocate has a dual role:

1. Where legal representation of the child is not provided by the parents or the court, where the service is inadequate, or where the child may be dissatisfied with such service, the Advocate should represent the child. If the Advocate is not a licensed attorney, his staff should include, or he should be empowered to engage, an attorney.

   The Advocate must also be concerned with the entire process by which justice is administered to children, from intake and adjudication to disposition and aftercare.

2. Specifically, the Advocate should be concerned with intake procedures, quality and objectivity of social reports, probation planning, the basis for institutional placement, the quality and extent of treatment in institutions, duration of stay, and provisions for release and aftercare.

   The Advocate would seek to improve and upgrade juvenile and family law; press for competent, specially trained judges; advocate more and better trained court staff and community based treatment facilities.

Other Agencies

At least some public and private child serving agencies exist in most communities such as public welfare, church developed and supported agencies, day care centers, and health care centers.

As such institutions affect the child, the Advocate would represent him in determining solutions to problems, giving the client a voice in determining "what is best" for him. This might be achieved through several means. Identifying the critical decision points within the agency procedures and making this information available to those affected by it is one method. An Advocate could also stimulate the discovery of programmatic alternatives in the child care area and "lobby" for the creation of more alternative "solutions" to child problems. The Advocate would also devise a system whereby the agency would see itself as accountable to the client or his surrogate rather than to an external funding source. This reversal would promote an emphasis upon program rather than upon description.

On a case level, an advocate could assure that decisions made about a child are subject to review by a professional board at a local level. The Advocate could issue a type of "restraining order" to suspend agency action toward a child until such a review. At this level too, the Advocate could see his prime role as ensuring that several alternative paths are open to the child at each decision point within an agency and that these alternatives and their possible outcomes are known to both child and/or surrogate and agency personnel.

It is the Advocate's responsibility to know the functions of all major agencies and to evaluate, frequently, the ways in which they serve children; to work for improvement and to expose those areas where they are inadequate or ineffective (lack of protective

services, dilatory or unrealistic adoptive procedures, poor foster home care, etc.).

RECOMMENDATION: THE FEDERAL OFFICE OF THE CHILD ADVOCATE

This forum recommends that a National System of Child Advocacy be implemented under the auspices of some designated, concerned federal agency. The identity of the agency is not so important as its ability to gain support for and to implement an effective mechanism at the local level. The recommended Advocate program could well be established within an existing agency, such as the Office of Child Development, provided adequate safequards are set up to preserve the autonomy and integrity of the local Advocate.

It is important that the Advocate's role be left flexible enough to meet the real needs of children in the many ways and the many kinds of communities which exist.

It should be stressed that the Advocate is not to displace existing agencies or duplicate services. Where a service is non-existent or inadequate, the Advocate should fill this void temporarily, while working for the assumption of this function by the agency or system normally responsible.

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Goals and Objectives of the Child Advocate

The Advocate's broad goals and objectives may be summarized:

1. To ensure that each child is reared in an environment which secures his fundamental rights
2. To strengthen the family by bringing together the community's helping services, public and private, secular and religious, with a united attack on areas of special concern
3. To improve and strengthen, or secure extension into the community, of established child and family care agencies
4. To provide basic services where they do not exist, until a permanent agency can be created or brought into play
5. To work for legislative change to improve permanently the lot of children.

A Council on Child Advocacy

The federal office of the Child Advocate could be under the direction of a Council on Child Advocacy appointed by the President. The Council should contain mid- and low-income and minority parents in its composition as well as persons with recognized competency in child serving programs.

This Council would recommend and support national legislation for the betterment of children; improve existing programs and develop new ones; identify future needs and establish goals with recommended priorities; evaluate information and recommendations

from local offices and, where appropriate, translate recommendations into action; and prepare for the President and Congress periodic reports on the state of the advocacy program, the general conditions which effect the proper growth and development of children and report progress toward goals.

Based on the broad needs identified by the Council and the priorities assigned, the Council would develop guidelines for community programs of child advocacy. To implement its program the Council would receive funds from Congress, to be used to operate its own national office and to be disbursed as grants to Neighborhood Child Advocate Councils in accord with need, and a willingness to establish and operate neighborhood programs within the broad Council objectives and guidelines.

Information Center

A great body of information on child care problems, including innumerable surveys and studies, already exists, and such research and development of innovative programs will continue, perhaps increase. The National Council should establish an Information Center for assembling, evaluating, condensing, and classifying such information so it may be available both to Neighborhood Councils and to all agencies, public and private, working in or with child care programs.

Child Advocacy Specialists

The National Council would maintain regional consultants with specialized advocacy skills to assist neighborhood councils.

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Community or Neighborhood Councils

A Neighborhood Council on Child Advocacy, composed of a representative cross section of the community to be served, would implement and operate the advocacy program with funds allotted to it for this purpose. The local council would:

1. Within the guidelines promoted by the National Council designate the areas of the community or neighborhood advocacy, agree to establish at least a minimum or basic program, and devise a plan for implementation
2. Make such local contributions, in cash or kind, as might be required to obtain federal funds
3. Agree to provide required reports and accounting for funds.

In implementing its programs, the Neighborhood Council would employ a paid Advocate who would be primarily an administrator; and such additional staff as its needs and funds would permit. The Council should also ask for and receive funds for purchase of necessary services not otherwise available. The Council should utilize, to the greatest degree possible, lay and professional volunteer services.

Pilot Program

We recommend that the Advocacy program be implemented on a relatively small scale, in selected urban and rural areas. In this way, the precise structure of the Advocate office, the minimum population warranting such a program and the best manner of introducing, operating, and evaluating the program can be determined.

Such a pilot program should also reveal the degree of public support, the extent to which volunteers and part-time help can feasibly be used; and the validity of established guidelines and forms of evaluation, information gathering, and reporting.

CONCLUSION

This forum believes there is a distinct and urgent need for a Child Advocate program. If properly conceived, explained, and implemented and if presented as helpful rather than threatening to existing institutions, it should be received enthusiastically. Today the rights of a significant number of children are totally ignored. These children will become the adult deviants of the next generation. Neglect, poor parental supervision, inadequate schools, an understaffed, insensitive system of justice, and poor child nutrition and health care all contribute to creating those who fill our mental and penal institutions, and who become the hard core relief cases. We will not reduce this increasing population of social misfits until we correct the source. By ensuring to children in their formative years their fundamental rights, their true birthright, we can reestablish the basic values that have made us a great nation -- a belief in a Supreme Being, a respect for law, concern for others, self-respect, and self-restraint. The Advocate program is not the sole answer, but it is a way to reach, influence, and protect children in a manner no institution now does. By the alert, concerned, vigorous efforts of

an independent Advocate, responsible only to children, we can ensure that children's rights will be safeguarded and that they will enjoy their true heritage as free people.

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